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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRED LAMAR FINNEY,
JOHN KELLER,
CHARLES MENIFEE,
JOHN WAYNE PRICE, and
PRINCE LEE PRINCE,

Defendants.

No. CR 12-0061 EMC

**STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set May 15, 2013 as the date for a status conference. The parties hereby request that the Court set the next status conference for June 26, 2013, and they request that the Court exclude the period from the date of this Order through June 26, 2013 from the time limits provided by 18 U.S.C. § 3161. This extension of time is necessary for effective preparation of counsel, to finalize discovery and plea offers.

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1 The parties agree that the ends of justice served by granting such an exclusion of time
2 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
3 3161(h)(7)(A).

4
5 SO STIPULATED:

MELINDA HAAG
United States Attorney

7 DATED: May 15, 2013

8 /s/
KEVIN J. BARRY
Assistant United States Attorney

9 DATED: May 14, 2013

10 /s/
ERIK BABCOCK
Attorney for FRED LAMAR FINNEY

11 DATED: May 14, 2013

12 /s/
ALAN DRESSLER
Attorney for JOHN KELLER

13 DATED: May 14, 2013

14 /s/
ROGER PATTON
Attorney for CHARLES MENIFEE

15 DATED: May 14, 2013

16 /s/
FRANK BELL
Attorney for JOHN WAYNE PRICE

17 DATED: May 14, 2013

18 /s/
GAIL SCHIFFMAN
Attorney for PRINCE LEE PRINCE

19
20 ATTESTATION OF FILER

21 In addition to myself, the signatories to this document are: Erik Babcock, Alan Dressler,
22 Roger Patton, Frank Bell, and Gail Schiffman. I attest that I have their permission to make the
23 request outlined above.

24 DATED: May 15, 2013

25 /s/
KEVIN J. BARRY
Assistant United States Attorney

[PROPOSED] ORDER

For the reasons stated above, the Court sets June 26, 2013, as the date for a further status confernece. The Court finds that exclusion of the period from the date of this Order through June 26, 2013 from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED. Defendant Elliot's status remains to be held on 5/15/13 at 2:30 p.m.

DATED: 5/15/13

HON. EDWARD M. CHEN
United States District Judge

